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SUBJECT: TRIAL SKILLS TRAINING FOR PAK PROSECUTORS

11. (U) Summary: Pakistan's prosecutors, under-resourced and poorly trained, are routinely characterized as the weakest link in a criminal justice system that sees up to 70 percent of its prosecutions end in acquittal. Prosecutors seldom work with police, do little to prepare their cases for trial, and are generally outgunned in the courtroom by defense counsel. To begin addressing these challenges, the Embassy's Resident Legal Advisor, using INL and DOJ resources, recently initiated training to improve trial preparation and courtroom skills of a group of prosecutors from across the Punjab. In an encouraging response, the prosecutors embraced the program with enthusiasm and energy, demonstrating the capacity and willingness to adopt new techniques designed to improve their skills. End summary.

The Weak Link

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12. (U) Pakistan's prosecutors are currently one of the weak links in the country's criminal justice system. They are often ill-trained and ill-prepared to present the government's cases in court. This, in turn, results in disproportionate numbers of acquittals at trial; some estimates put the acquittal rate at over 70 percent. Judges, police and even members of the defense bar routinely complain about the lack of competency and poor courtroom skills of the prosecutors.

13. (U) Prosecutors--to a greater extent than either police or judges--also suffer from a lack of institutional support. Unlike their judicial and law enforcement counterparts, Pakistan's prosecutors are not organized into one unified national agency. Instead, prosecutorial responsibilities traditionally have been divided among a variety of national and provincial entities, a condition that largely continues today.

A Step Forward: Punjab Department of Public Prosecutions

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14. (U) Efforts to create independent prosecution services at the provincial level were promoted earlier this decade as a condition for the judicial sector assistance provided by the Asian Development Bank's Access to Justice Project. Such reforms came to fruition first in the Punjab, where legislation providing for an independent prosecution service was enacted in 2005. The Punjab Department of Public Prosecution (PDPP) became a reality in 2006. The PDPP now includes over 1000 prosecutors from across the province, who represent the government in all criminal trials conducted in

the Punjab.

¶5. (U) Resources for the PDPP remain very scarce. Prosecutors in some districts must function without access to any kind of office. Libraries, filing systems, administrative support, and computer access are all effectively non-existent.

¶6. (U) The prosecutors in the Punjab (and elsewhere) are frank about their needs for training and resources. Unlike either the police or the judiciary, there is no dedicated training institution for prosecutors at any level, nor any other access to training opportunities. Underlying legal education is also weak because law schools in Pakistan rarely provide any practical skills courses. While most defense lawyers go through a period of apprenticeship, prosecutors often lack even that kind of mentoring.

Addressing Needs

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¶7. (U) In an effort to address these needs, while also complimenting other Embassy programs designed to improve the operation of Pakistan's criminal justice sector, the Embassy's Resident Legal Advisor (RLA) organized a week-long trial skills training program for Punjabi prosecutors. The INL-funded program was a cooperative effort with the PDPP, held from June 8-12 at the Federal Judicial Academy (FJA) in Islamabad. Thirty-four prosecutors from across Punjab province attended. Program trainers included the RLA, a federal Magistrate Judge from New York, three federal

ISLAMABAD 00001413 002 OF 002

prosecutors from the U.S. Department of Justices (DOJ), and a number of Pakistani experts.

¶8. (U) The program was an intensive course in trial practices, designed to develop advocacy and courtroom skills through a combination of lectures, demonstrations, and participant exercises. Special attention was given to case preparation, direct and cross-examination of witnesses, handling evidence, the use of experts, presentation of forensic evidence, and closing statements. The program culminated with participants conducting mock trials to employ their newly honed skills.

Potential for Additional Training Programs

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¶9. (U) The response of the Punjabi prosecutors to the training was overwhelming enthusiastic. Doubts about whether senior prosecutors would be willing to participate in mock exercises were quickly put to rest. As one senior prosecutor noted, "In my 27 years as a prosecutor, no one has ever worked with us like this on practical skills." Others remarked on how the program had developed their sense of confidence and professionalism. One prosecutor from Sialkot said simply, "I have become a different person."

¶10. (U) Some components of the program generated considerable controversy, not least the suggestion that prosecutors must learn to work more closely with the police. In the end, the prosecutors acknowledged that not only were the new approaches acceptable under existing Pakistani procedures but would also improve their courtroom performance.

¶11. (U) Looking forward, both the PDPP and the FJA leadership have now asked for further skills training programs for prosecutors. The FJA, additionally, would like to expand the training to prosecutors from the other provinces. The Federal Investigative Agency (FIA) leadership has also asked that the training be provided to its own specialized prosecutors.

¶12. (SBU) Comment: The very recent creation of an independent prosecution service in the Punjab represents an important

step in professionalizing Pakistan's rank-and-file prosecutors, but skill levels and infrastructure are still sorely lacking. This initial foray by DOJ into prosecutor training provides an opening for additional training and exchange in the future. End comment.

PATTERSON